A HANDY
...TIONARY OF REGISTRATION TERMS

DOMINICK DALY

Price 3/-

A HANDY DICTIONARY OF REGISTRATION TERMS

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DICTIONARY OF REGISTRATION TERMS

WITH AMPLIFIED MEANINGS,
APPEAL DECISIONS, AND CASE INDEX.

BY

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Price 5s.

PRINTED FOR THE AUTHOR BY
BILLING AND SONS, LTD., GUILDFORD
1906

INTRODUCTION

The references are made as short as accuracy will permit, and to familiar text-books rather than to less accessible statutes and law reports.

The chief contractions are: R. B. for Revising Barrister; R. = Rogers on Registration, etc. (1897); L. = Lushington, ditto.

The author will be grateful for any corrections or suggestions for a future edition.

D. D.

N.B.—In January there will be published an Addendum, giving appeal decisions to end of year, post free, to purchasers of book, 3d.; others, 6d.

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HANDY DICTIONARY OF REGISTRATION TERMS

Absence.—Inhabitants of dwellings, and £10 occupants of land or tenements in counties or boroughs, may, without losing qualification, be absent on duty, etc., 'during part of the qualifying period not exceeding four months *at any one time*' (Act, 1891). The latter words make the limitation uncertain, as they might be held to imply more than one period of four months, or several periods of less than four months. In the case of a lodger the limitation is even more uncertain. It is deducible, from decided cases, that so long as the lodgings remain at the disposal of the lodger, no irregularity of sleeping-use suffices to disqualify him so long as there is some such use (L., 167, 233). The absence of an objector from the revision court to support his objection annuls it, but this does not debar the R. B. from inquiring into the case on his own initiative, and deciding upon it *pro* or *con* (R., 312; and *Jenkins* v. *Grocott*, 1903; *Treadgold* v. *Grantham*, 1894). See **Residence**.

Administrative Counties.—For the purposes of local county government England and Wales are divided into areas called administrative counties, each having its own council. They are mostly rural areas, but certain boroughs

(sixty-one in all) are specially scheduled as county boroughs. In every administrative county and county borough all the Parliamentary voters—except owners, service-men, and lodgers—have a County Council vote ; also single women who, but for sex, would be entitled to a Parliamentary vote (L., 6). See **Women.**

The term 'county elector' strictly and properly only applies to one who has a vote for the County Council, not to one who has a Parliamentary vote for a county division.

Advowson.—See **Benefice.**

Affirmations.—See **Oaths.**

Agents.—See **Signatures.**

Agreements.—A mere agreement for a lease does not qualify for a county vote unless the lessor is bound to grant, and the lessee to accept, the lease. An agreement for a lease conditioned on the happening of a certain event gives no qualification for the franchise. See **Leaseholders.**

Alien.—Aliens, after five years' residence in the United Kingdom, may obtain letters of naturalization, and, on taking the oath of allegiance, become British subjects, and entitled to any franchise their qualifications may allow, the same as if native born. See **Denizens : Incapacities.**

Alms.—See **Poor Relief.**

Alternative and Plural Qualifications.—An owner or freeholder who *occupies* his own land or building in a borough, of value sufficient to confer the borough franchise, may not elect for the county vote ; but if he does not *occupy* the borough property himself, it stands good as a qualification for the county Parliamentary franchise. If the borough property is insufficient in value to confer the

Parliamentary franchise *there*, it may still be sufficient to give the owner a county Parliamentary vote—as, say, a 40s. freeholder—whether he occupies it or not.

A freeholder in a borough who occupies *other* land or building there is entitled to a Parliamentary vote for the former in the county and for the latter in the borough, value being sufficient in each case.

In like manner a freeholder in the county who is also a qualified occupant in a borough has a double Parliamentary vote, one for the county and one for the borough.

There are no residential conditions imposed on freeholders, so that a man living in, say, Nottingham (and possibly having a Parliamentary vote there as an occupant, etc.), may retain an ownership vote for a freehold in Yorkshire.

But by a Bill now before Parliament electors having plural qualifications are prohibited from voting in more than one constituency, as has always been the rule in municipal and County Council elections.

It is a rule without exception that no *occupant*, whether owner or tenant, in a borough, can have a vote in the county for the same qualification. And the rule holds good even if the *occupant*, as owner, has not claimed a borough vote; it is enough if he is qualified for it (R., 65). See **Occupation Franchise.**

In evasion of this rule, it sometimes happens that two neighbouring owners in a borough will each *occupy* the freehold of the other, thus each securing a county vote as well as a borough vote. See **Marks**, etc.

Case Decision.—The owner of house and grounds in a borough possessed the occupation franchise; a cottage belonging to the property was occupied by his gardener, who had been accorded the service franchise; the owner claimed a county vote for the cottage as a freehold, not of

sufficient value (£10) to entitle to a borough vote, but enough (40s.) to give a county vote. Held—the occupancy of the gardener was the occupancy of the owner, and was included in the occupancy of the whole estate, and the owner was not, therefore, entitled to the county franchise (*Brooks* v. *Baker*, 1905).

Amendments.—See **Mistakes.**

Annuities.—An annuity for life or years, issuing out of realty (land or tenements), gives a freehold vote, if amounting to 40s. It is not now necessary that the grant should be registered.

Appeals.—Appeals from decisions of R. B. (on points of law only) may be taken to the King's Bench, and (possibly) afterwards to the Court of Appeal proper. Notice (in writing) of intention to appeal must be served on the R. B. before the rising of the court (*Guise* v. *Dilke*, 1892). If he allows an appeal he has to 'state a case' within ten days from the close of his revision, and submit same to the appellant, who, agreeing to and signing the 'case' as finally settled and stated, takes charge of it in its further legal progress (R., 336). See **Signatures.**

In his stated case the R. B. commonly names the Town or County Clerk as respondents, but they are not bound to appear in the case, and if they do not, no costs can be ordered against them.

The R. B. may refuse to allow an appeal against his decision—on the ground that no question of law is involved, or because, in his opinion, the legal point is perfectly clear, or has already been settled. In such case the applicant may avail himself of sec. 37 of the Parliamentary and Municipal Registration Act, 1878, which says: 'If any person feels aggrieved by a Revising Barrister neglecting or refusing to state a case, he may, within one month after

such neglect or refusal, apply to the High Court of Justice, upon affidavit of the facts, for a rule calling on the R. B., and also on the person (if any) in whose favour the decision, from which the applicant desires to appeal, was given, to show cause why a rule should not be made directing the appeal to be entertained and the case to be stated. And thereupon the High Court, or any Judge thereof in chambers, may make such rule to show cause and make the same absolute, or discharge it with or without payment of costs, as seems just; and the R. B., on being served with any such rule absolute, shall state the case accordingly, and the case shall be stated and the appeal entered and heard, notwithstanding any limitations of time or place contained in the Parliamentary Registration Act, 1843.'

Assignments.—If a lessee assigns the whole of his term he is not entitled to retain his vote, but if he reserves the last day or hours of the term the vote remains to him (R., 26).

An assignment or adjudication in **Bankruptcy** commonly entails the loss of the bankrupt's vote by depriving him of his qualification; but if the trustees allow him to remain in occupation or possession of the estate, he retains his vote (*Mackay* v. *McGuise*, 1890). See **Incapacities.**

An assignment in the nature of a surrender or attornment—as that of a tenant to a new landlord—breaks the qualification, even though it be merely a matter of form, and the tenant be at once readmitted (R., 117).

Bankruptcy.—See **Assignments**: **Incapacities.**

Barracks—Sleeping cubicles in.—See **Dwelling.**

Benefice: **Ministers of Religion.**—A clerical living or income of not less than 40s. annual value, arising

out of realty (houses or lands), conferred for life, or during good behaviour, constitutes a freehold entitling the incumbent to a Parliamentary vote in the county (*Vickers* v. *Selwyn*, 1903). Conditions of residence, etc., do not apply, the newly-appointed incumbent succeeding at once to the electoral qualifications of his predecessors. See **Succession**. Clerical incomes arising from bounties, donations, subscriptions, salary, etc., do not constitute a benefice in the electoral sense, as they do not arise out of realty, like tithe-rent charges, glebe rents, pew rents, churchyard fees, etc. (R., 7-19, 62).

A Vicar does not 'occupy' his church in the sense of entitling him to a borough vote under sec. 24 of Reform Act, 1832 (*Wolfe* v. *Surrey*, 1904). See **Occupation**.

A 40s. income from pew rents suffices for a clerical freehold and vote, but the pew itself does not give its owner a freehold, except in a few cases the subjects of special Acts of Parliament. See **Easements**.

The right to an advowson, being a reversionary interest and yielding no present profit out of houses or lands, gives no qualification for a vote.

A perpetual curate, when there is no rector or vicar, has a benefice and a vote if his income is derived from realty in that particular parish, and is not less than 40s. annual value — not if it is derived from other realty, or from Queen Anne's Bounty, the Ecclesiastical Commissioners, etc.

Although the appointment of a Dissenting or Nonconformist minister, or Roman Catholic or other priest, is not 'promotion to a benefice' within the meaning of the Act, and consequently he is not entitled to a vote by way of **Succession** to his predecessor in office, he may have a freehold vote on the ordinary terms if his appointment gives him a life or 'good conduct' interest in house

or land of 40s. value, as shown by the terms of the deed of trust, or other evidence sufficient to satisfy the R. B. (L., 39). See **Wesleyan.**

'**Breadwinner.**'—In registration and revision matters this term has come to signify a claimant to a vote who is the actual occupant of a tenement and maintainer of the family, though not the person whose name appears in the rent and rate books. As a rule, such a person is held entitled to the vote, and the court will not go into the question of devolution of title from one occupier to another (R., 80). There is, however, some uncertainty and confusion associated with the point. The 'breadwinner' principle (itself) seems to have been recognised as long ago as 1836 in the Irish *case of McLoughlin.* A man married the widow of a former tenant (no administration taken out), and succeeded to the occupancy of the house, and assumed the position of 'breadwinner' to the family, paying all rents, rates, and taxes, and maintaining the household. It was held that he was entitled to claim the vote, but whether on the ground of personal succession to the man whose widow he married, or as himself the actual occupant of the house, is not very clear from the scant and imperfect report. It cannot, therefore, be assumed that the decision was in conflict with the view that personal succession only arises in relation to freeholds. See **Succession.**

Although the electoral right of a 'breadwinner' is commonly recognised, he may be debarred from it in certain circumstances. Where, for instance, it was established to the satisfaction of the court that the landlord had specifically refused to accept or recognise as tenant the 'breadwinning' son of the previous tenant, deceased—though receiving the rent from him—the 'breadwinner's' claim

was not allowed (*McGee's case*, Lawson's (Irish) Notes, 1888). It would thus appear that if the landlord makes no objection, and no question of a rival tenancy or occupation arises, the 'breadwinner,' as the actual occupant, is to be recognised as entitled to the vote.

Case Decisions.—A 'breadwinner' claimant for an occupation vote lived in the house with his mother, who was the owner, he paying all charges, his mother having no means. Held—that the mother occupied as owner, and there could not be another occupant as tenant (*Loveridge* v. *Gordon-Gillos case*).

A son, after the death of his father, continued to live with his mother, and became 'breadwinner' of the whole family, finding the money for all rates, rent, etc. His mother's name was in the rate and rent books. Held—that the son was the real tenant and occupant, and so entitled to the vote (*Loveridge* v. *Gardom-Matthews case*, 1899).

A husband living with his wife, in her house, and having no agreement for tenancy and rent with her, he bearing all the expenses as 'breadwinner,' is not entitled to have his name registered on the voting-list as occupying tenant of the house (*Hull* v. *Michaelmore*, 1901). But where, under similar circumstances, there was an agreement for payment of rent, the husband was allowed the vote (*Pearce* v. *Merriman*, 1903). See **Dwelling: Rates.**

Bribery.—Bribery is a 'corrupt practice,' under the Act so entitled (1844), and entails disqualification on a voter. Payment of rates by another in order to enable an elector to vote, or induce him to refrain from voting, is 'bribery' under the Act (L., 270). See **Corrupt Practices.**

Building.—A substantial structure of some permanence

and stability, and of some use and value to the occupant. The question of what is a building is one for the R. B., and the court above will not interfere with his decision unless, in his statement of the case, he gives a description inconsistent with the structure being a 'building' in any reasonable sense (R., 184). Occupation of a 'building' in a borough gives the right to a vote, irrespective of value ; and the term includes house, warehouse, office, shop, or any other structure, definable as 'a building,' suitable for industrial purposes.

The franchise right is not lost if the building is burnt down, or demolished for reconstruction, providing there is an intention to resume occupation and the rates continue to be paid. The occupier can, in any case, save his qualification by claiming for occupancy in **Succession.** (R., 118, 180-241 ; L., 144, 191.)

Burgage Tenure.—An ancient tenure in socage, originally implying service to the King, or other overlord. It is practically freehold, and is so deemed for electoral and other purposes. It is a 'permanently reserved' right under the Act of 1832.

Burgess.—The old burgess is an *occupant* of rated buildings (not necessarily residential) of any value ; the occupancy of the new burgess must be of £10 annual value, and may be in land alone. Both have to be enrolled on the burgess list.

A woman may be a burgess, but not entitled as such to the Parliamentary vote—only the local government vote. A freeman may be a burgess, a service man not.

The qualification is now uniform in boroughs and counties. In boroughs this franchise carries a vote for Town Council and auditors ; in counties, for County Council and Parish

Council. Two or more joint occupiers of one new burgess qualification may be registered as voters, if value sufficient to allow £10 for each. See **Joint**.

Business Partners.—See **Partners.**

Caretaker—Curator.—See **Service.**

Chambers. — Residential chambers qualify for the dwelling-house franchise, but not chambers only used in the daytime, though such may confer an occupation franchise if value sufficient, or if occupied for purposes of trade, business, or profession. (R., 178.) See **Flats: Residence: Dwelling.**

Change of Polling Place.—See **Marks.**

Claims and Objections.—With the yearly lists, etc., prepared by the overseers (see **Dates**) there are published: The names, etc. (1) of the new ownership claimants; (2) of other claimants not on the overseers' rates lists; (3) of lodgers old and new; (4) of parochial claimants. The lodgers are obliged to claim annually.

Objections are similarly listed and published.

Owners alone remain on the list from year to year until 'death' or 'objected,' their names on the list being evidence of their right to vote; others are not so entitled until the R. B. has passed and signed the lists. The R. B. strikes out for 'death' or 'objected,' and makes correction of a purely clerical character, but he is not empowered to alter the address, which can only be done on Declaration submitted to the R. B. The owner gives the overseer notice of his claim to be on the list, in the first instance, but need not repeat it in subsequent years.

The lodger must personally sign, or mark, his claim and **Declaration** in the presence of an attesting witness;

others may sign their claim by authorised agents. The lodger Declaration is part of his claim, and so amendable for mistake. See **Lodgers: Signatures.**

An objector must belong to the same constituency as the objectee, and must, under his own hand, give notice of his objection both to the overseer and the objectee. But if the objector has, in the meantime, lost his qualification (as by removal) before the hearing, the objection still remains good (*Pease* v. *Middlesbrough*, 1892).

The objection of a deceased objector may be revived and pursued by any qualified elector on giving the usual notices in writing.

An objection may be withdrawn seven days before the sitting of the revision court; if withdrawn later, or not at all, costs may be ordered by the R. B. See **Notice: Costs.**

The absence of an objector or an objection does not debar the R. B. from inquiring into the merits of the claim, and deciding for or against (*Jenkins* v. *Grocott*, 1903; *Treadgold* v. *Grantham*, 1894, R., 312).

Mere notice of objection unsupported by evidence requires no answer from the objectee; but the R. B., if he thinks proper, may, for some special reason, adjourn it for the attendance of such objectee, and if he fail to attend, after due notice, the R. B. may allow the objection (R., 329).

A notice of objection must properly cover the real objection (*Bridges* v. *Miller*, and *Wood* v. *Chandler*, 1887), notwithstanding sec. 18 of the Registration Act, 1885, allowing variations.

Where from any exceptional cause a claimant's name has not been inserted in the published lists, the claimant may in court make application in writing to the R. B. to have his claim considered and his name inserted. In such

case an objector may similarly object before the R. B. by handing in a notice in writing. See **Notice**.

Case Decisions.—A notice of objection, defective in respect to its omission of the number—1, 2, or 3—of the division of the occupation lists to which it relates, may be amended by the R. B., no one being deceived or embarrassed by the omission (*Hartley* v. *Halse*, 1888).

A notice of objection erroneously giving the place of business instead of the place of abode of the objector, may be amended by the R. B. if there was a *bonâ fide* mistake, and no inconvenience was caused by it (*Prescott* v. *Lee*, 1899). Similarly in *Sandford* v. *Beal*, 1895, where the name of a parish had been omitted by mistake.

The following is the common form of a claim :

Name of Claimant, Surname First.	Place of Abode.	Nature of Qualification.	Description of Qualifying Property.

Dated this day of , 19 .

(*Signed*) A. B.

The above form serves for owners and occupants, but would be varied to suit the case of a lodger, burgess, or mere parish voter, etc. See Registration Order, 1895.

Common.—When a common is cut up into allotments, for division amongst the commoners, each piece (if of 40s. annual value) is a freehold, entitling the owner to a vote. The right to pasturage on a common is no freehold, and carries no vote.

Compounded Rates.—As a convenient arrangement for all parties concerned, the owners of small-house property commonly undertake to pay the rates for the same at a reduced figure and in a lump sum, instead of leaving the amount to be collected from each individual tenant. Tenants whose rates are thus compounded for by the landlord are in no different position as regards franchise rights to those who pay their rates directly themselves. See **Rates.**

Copyholders, Common and Customary Tenants.—Where the annual value is not less than £5 in counties, copy and customary tenants have a right to the vote, but not in borough counties—except Bristol, Exeter, Norwich, and Nottingham, in which places all freeholders have a borough vote; same as regards leaseholders generally.

Where two or more men are owners of **Realty** as joint tenants or tenants in common, only one may have a county vote, unless the estate has come by descent, etc. (L., 82). See **Leaseholders**: **Succession**: **Joint.**

Corrections.—See **Mistakes.**

Corrupt Practices.—The registration officer, county or borough, must, before June 10 each year, deliver to the overseer for publication a list of persons held to be disqualified by judgment of court from voting on account of corrupt or illegal practices. The presence or omission of a name in or from such list may be made the subject of claim or objection, and the R. B. has then to inquire into the justice of such presence or omission, and expunge from or insert, as the case may be, the name in dispute. The R. B. has no power to inquire into the actual guilt or innocence of the person to whom corruption is imputed; he has only to determine whether such person has or has

not been convicted by a competent tribunal. If the R. B. thinks there is a *primâ facie* case against the claimant or the objectee, such person must have formal notice (Appendix to the Acts), and be afforded a full and fair opportunity for defence and explanation (R., 201-206).

A catalogue of what are Corrupt and Illegal Practices will be found in the Acts so named (1883 and 1884).

Costs.—The retention, insertion, or omission of names may be made the subject of claims or objections, but if the R. B. thinks that a claim or objection is unreasonable or vexatious, he may allow an aggrieved party costs varying from 2s. 6d. to £5 ; where the objection is merely to the retention of a name on the list the maximum cost is £2. The costs are similar for 'attempts to sustain.' Overseers are exempt from such costs. The costs ordered must be paid before the agent or other person responsible can proceed further. In strictness every such order should be in writing. For form of order, see R., 709 (L., 355). See **Claims** and **Objections**. If an objection is withdrawn by written notice seven days before the sitting of the court, no costs can be ordered against the objector.

County Boroughs and Councils.—See **Administrative**.

Cubicles, sleeping.—See **Dwelling**.

Dates—Periods.—The common qualifying period for occupation or possession is twelve months prior to July 15, for freeholders six months. Recent freeholders by inheritance, promotion, etc., are entitled to adopt the qualifications of their predecessors, and at once assume their electoral rights. See **Residence : Succession : Benefice.**

The following are the principal dates in relation to registration and revision duties :

In April and May the overseers make out lists of persons entitled to the dwelling-house franchise, but not yet on the rate-books.

June 10.—Issue Corrupt Practices List.

June 20 to *July* 20.—Overseers publish ownership lists, and give notice to send in new ownership claims on or before July 20, and also give notice that rates in arrears must be paid on or before July 20.

July 15 is the most important date in electoral matters, being the end of the qualifying year for all classes of voters.

July 22.—Overseers make out lists of persons disqualified for non-payment of rates, and receive tax-collectors' return of those who have made default in payment of inhabited house duty. Those lists must be open to public inspection for fourteen days. On this date, also, the overseers receive return of deaths from the registrar, and of persons become disqualified by receipt of poor relief from the relieving officer.

July 25.—Last day for making old lodger claims.

August 1.—Overseers publish (*a*) list of ownership claimants; (*b*) old lodgers' list; (*c*) occupation list.

August 20.—Last day for overseers to receive new occupiers' claims, new lodger claims, claims by freemen, service men, and notices of objection.

August 25.—Overseers make out and publish all lists, and send copies of same to County or Town Clerks.

September 5.—Last day for receiving correcting declarations from owners, occupiers, etc.; same to be sent to County or Town Clerks.

September 8.—Last return of deaths from registrar. Earliest date for sitting of revising barrister.

October 12.—Latest date for sitting of revising barrister.

Deaf and Dumb.—Persons deaf and dumb, and possibly blind, are not necessarily disqualified for the franchise. If it can be shown (through a sworn interpreter, or otherwise) that they possess sufficient ordinary understanding, they are entitled to the vote. The question is one for the decision of the R. B.

Declaration.—A statutory Declaration (Act, 1835) is a written statement of facts which the maker signs, and solemnly declares to be true. Making, or being wilfully concerned in making, a false declaration is a misdemeanour punishable by fine or imprisonment. The R. B. has power to impound a suspected Declaration.

As a general rule, all mistakes, as well as necessary changes, in the electoral lists may be corrected or made by the R. B., but some require a formal Declaration, such as corrections of the place of abode (second column) in the ownership list, alteration of the nature or description of the qualification (third column), etc. But a declaration will not suffice to transfer a name from Division III. to Division I.; a new claim is required (R., 266-324).

A Declaration to correct error, or make a necessary change, must be deposited with the Town or County Council Clerk seven days before the sitting of the revision court, so as to give interested parties an opportunity of inspection and challenge (41 and 42 Vic., cap. 26, sec. 24, 1878).

The Declaration is an essential part of the lodger claim; consequently a claim erroneously made as for, say, an occupation vote, cannot be amended into a lodger claim for want of a Declaration (R., 316). See **Mistakes: Lodger.**

Case Decisions.—A declaration to correct, made by a person objected to, may in itself be impeached or contra-

dicted as incorrect, and evidence may be given for that purpose (*Trainor* v. *Starbuck*, 1893).

At the Staffordshire Assizes, December 15, 1905, before Mr. Justice Kennedy, one A. B. was indicted for the falsification of certain lodger declarations, contrary to 41 and 42 Vic., cap. 26, sec. 25 (Registration Act, 1878), which provides that anyone knowingly making, or being party to making, a false or falsified declaration, 'shall be guilty of a misdemeanour and punishable by fine, or by imprisonment for a term not exceeding one year.' The defendant pleaded ignorance of the law and of wrongdoing in signing the said declarations with the names of lodgers (from whom he professed to have had authority), and in attesting signatures which he had not really witnessed. It was left to the jury to say: (1) did he send in a false declaration knowing the same to be false; (2) did he knowingly and wilfully make a false statement of fact in the declaration? The jury found him guilty, and the judge, in consideration of his previous good character, decided to fine him £10 instead of condemning him to a term of imprisonment.—In a similar case at the Central Criminal Court, Feb. 5, 1906, a Marylebone canvasser was sentenced to one month's imprisonment.

Demise.—In ordinary usage this term means a lease for years or lives. Sometimes it is made to apply to other transfers and conveyances of **realty.**

Denizens.—Special name for **aliens** made British subjects by Royal letters patent.

Descent.—See **Succession.**

Devise.—A term meaning the acquisition of property by a will.

Devolution.—The passing of real estate into new hands by inheritance, or any form of conveyance or transfer.

Disabilities.—See **Incapacities.**

District Councils, Parish Councils.—For purposes relating to public health merely, England and Wales are mapped out into districts called 'urban' or 'rural' (according to their character as town or county areas), each governed by an elected council named accordingly.

The rural districts have, as a rule, the same boundaries as the earlier constituted Poor Law Unions; the limits of the urban districts were originally (1875) fixed by a variety of local considerations and circumstances. Thus municipal boroughs are urban districts in themselves, and the Town Council is the Urban District Council.

Apart from such boroughs, the District Councils are elected by the several parishes they include; hence the voters are called 'parish electors,' and they are doubly entitled to the name because they are also voters for the 'Parish Council,' where such exists. For it is only in rural districts that there are Parish Councils, and only in such parishes as have a population of over 300, or in such as, with a less population, have been established by order of the County Council (L., 7).

Parliamentary electors, or County Council electors (including women), can vote at District Council elections. And owners, service-men, and lodgers are *not* disqualified for this franchise, as they are in County Council elections. See **Parish: Administrative Councils.**

Divisions in occupation lists.—See **Lists.**

Duplications.—All notices of claims and objections which may be sent by post must be duplicated and specially posted in accordance with specific statutory directions (R., 202, 292).

For the duplication of names in electoral lists of voters, see **Marks**.

Dwelling or Household Franchise.—Any rated dwelling-house in town or country entitles the inhabitant to the dwelling or household franchise, irrespective of rent or annual value, but it must be a house definable as a **Building**. The term includes any part of an edifice separately used for dwelling in, actual structural severance not being necessary. Sleeping accommodation and sleeping use are inseparable from the electoral idea of a dwelling (R., 101). **Service**-men are 'dwellers.'

Continuous tenancy is required, but allowance is made for four months' absence in the year on duty or business, or from letting the dwelling as a furnished house; but for six months prior to July 15 there must be actual residence in or within a distance of six miles (if in a borough) or fifteen miles (in counties) from county boundary. See **Absence**.

Succession from one dwelling to another is recognised —in counties within the same Parliamentary division; in boroughs, no such restriction. See **Residence**: **Succession**.

Case Decisions.—Though joint occupiers are not entitled to the dwelling-house franchise (30 and 31 Vic., cap. 102, secs. 3, 4), and a claim of the kind is therefore bad, it may be amended by the R. B. into a good occupation claim, if value sufficient to allow £10 for each of the joint claimants (*Bagley* v. *Butcher*, 1897).

Mere sleeping cubicles in police barracks are not separate dwellings so as to entitle to the dwelling-house franchise (*Clutterbuck* v. *Taylor*, 1895); similarly in *Barnett* v. *Hickmuth* (1895).

Two persons cannot each have a vote for the same

dwelling, one as occupying owner and the other as occupying tenant; either may be entitled, but not both (*Gillos case*, 1899).

'Dwelling-house' and 'dwelling-houses in succession' point to distinct and different qualifications, and where one was inserted in a claim by a mistake for the other it was held that the R. B. had no power to amend without a **Declaration** (*Mann* v. *Johnson*, 1894).

Easements.—These are limitations, mostly established by long custom, on the use of one property for the benefit of another property or the public—such as rights of way across private lands, the right to a sufficiency of light, the right to the flow of the water of a certain stream, to draw water from a well, etc. They are valuable in their way, but they do not represent an income arising out of realty, and consequently they constitute no franchise qualification whatever. The right to occupy a certain pew in a church is esteemed an easement, giving no claim to the franchise (R., 40). But by virtue of certain special Acts the owners of some pews are freeholders, and so entitled to the vote (R., 40; L., 30-33).

Electors.—See **Parliamentary**.

Evidence.—No evidence is admissible which, in the opinion of the Court, is not relevant to the issue. The affirming or asserting side is required, as a rule, to show a case—that is, to prove in substance the allegation made, otherwise cross-examination by the defending side is not necessary. The best evidence available must be produced. Secondary evidence, for instance, of the contents of a written document, or deed, or record, cannot be given in evidence unless it is first shown that it is impossible to produce the original. Hearsay evidence is not, as a

rule, admissible. No person is bound to give evidence or answer a question which might expose himself to a criminal prosecution. Witnesses should speak to facts only, and not of their personal thoughts or opinions. See **Witness**.

Faggot Votes.—See **Splitting**.

False Declaration.—See **Declaration**.

Fines.—The R. B. may impose fines on defaulting witnesses summoned on subpœna, and on negligent overseers, relieving officers, etc. The order must be in writing in accordance with statutory form (R., 334). See **Witnesses**.

Flats.—As the term 'dwelling-house' includes any part of a house separately occupied as a dwelling, whether structurally separated from the rest of the house or not, residential **Flats** are to be esteemed 'dwelling-houses' for franchise purposes (R., 107). The same as regards residential chambers, but not chambers merely occupied in the daytime. See **Dwelling**.

Forms.—See **Oaths: Affirmations**.

Freeholders.—A freeholder is the holder of realty for life or lives, or any higher tenure, as fee simple or entail. A tenant at will has no estate of freehold, and therefore cannot claim to vote as a freeholder of any yearly value; but his holding may be of sufficient value (£10) to give him the occupation franchise, or he may be entitled to the dwelling-house franchise (L., 87, 200).

For electoral purposes freeholders (commonly called 'owners') are:

1. The 40s. freeholder in fee or tail.

2. The actual occupant for life or lives of holding of 40s. and up to £5 annual value.

3. The holder for life or lives of any tenure of £5 and upwards.

4. The holder during life, or 'good behaviour,' of any benefice or recognised office or franchise, by custom, appointment, reserved right, etc. (R., 171).

The electoral value of a freehold must be *net* value, after deducting rent and tithes, and interest on loans or mortgages, etc. Taxes and rates need not be deducted (L., 60-64). See **Value.**

A county freeholder may be qualified and registered as a Parliamentary voter in more than one parish of the same Parliamentary division, but can only vote in one (R., 247). See **Marks: Ownership.**

A freeholder in a borough—not the actual occupant of his property there—may have a vote for the county division, but not if his property would entitle him to a borough vote; the mere copyholder, or leaseholder for years, not (R., 661). See **Alternative.**

The freehold vote (whether the property be in the county or the town) is a county vote only (except in Bristol, Exeter, Norwich, and Nottingham), and the voter is not subject to any residential conditions. There must have been six months' tenure before July 15 (see **Dates**): but this is not necessary if the tenure arises from inheritance, marriage, will, or promotion to a benefice or office. In such case the new freeholder adopts at once the qualifications of his predecessor. See **Succession.**

Freemen. — This is a name for various classes of Parliamentary voters in some boroughs. Their electoral rights are strictly personal, and usually acquired by birth, descent, service (as apprenticeship), marriage, admission, etc. Freemen are specially enrolled on a separate list, and as they have no electoral connection with any parish

they have no parish vote (*Hart* v. *Beard*, 1895); but their names must be on the list for the Parliamentary division in which they reside, and in case of change of residence to another division the R. B. makes the transfer without formal claim being made (R., 321). See **Transference.**

Persons claiming as freemen may send in notices up to August 20 (R., 267). See **Dates.**

Guardians of the Poor.—Parliamentary electors and local government electors are entitled to vote for guardians of the poor—including women, but not burgesses. See **Poor Relief.**

Household Franchise.—See **Dwelling.**

Husband and Wife.—See **Women: Marriage.**

Incapacities and Disabilities.—The Parliamentary franchise is denied to peers, infants, women, felons, certain office-holders, aliens, the mentally afflicted (in degree), those found guilty of corrupt and illegal practices (time limitations), paupers, recipients (some) of charity, **alms**, etc. (R., 189). The names of any such (on or previous to July 1) must be expunged by the R. B. with or without objection, but prior notice should be given where it seems proper, or there is the least uncertainty.

Aliens cease to be disqualified on becoming naturalized, or (as **Denizens**) as soon as they receive Royal letters patent making them British subjects.

Bankruptcy does not in itself entail electoral disability, but often does so indirectly by destroying the qualification (R., 206). See **Assignments.**

Any judicial sentence of imprisonment with hard labour disfranchises; also any sentence of more than twelve months. A misdemeanant under detention is not disqualified for voting, but a writ will not issue to enable

him to leave prison in order to exercise his franchise (R., 201).

Inhabited House Duty.—The £10 occupants in counties and boroughs must pay this duty to maintain their qualifications. It is not necessary for the dwelling-house franchise. See **Dates.** It is now the only assessed tax on realty.

Joint and Common Tenants, and Voters.—Where two or more men are owners, either as joint tenants or tenants in common, of land or tenement, one of them only may be registered as a voter. But where such tenancies come by descent, succession, marriage, or will, each such owner may have a vote, if value sufficient; and the same applies if such owners are partners carrying on a trade or business (R., 42). See **Ownership.**

Two or more burgesses or £10 occupants may claim as voters for one property.

Joint voters are not recognised under the dwelling-house franchise.

Two lodgers, and no more, may claim for joint occupation of a room or set of rooms, if unfurnished value will allow £10 for each. See **Lodgers.**

Husband and wife cannot claim as joint occupiers, nor can each have a vote for the same qualification (*Prentice* v. *Markham*, 1892). See **Marriage : Women.**

Lands and Tenements.—In original legal significance 'land' included the houses or other buildings upon it, and 'tenement' anything which could be held in a material or corporeal sense, including, therefore, not only structures, but also land. But in the modern electoral sense the term 'lands and tenements' has come to mean 'lands and buildings' (L., 190; 136-138). In the Repre-

sentation of the People Act, 1867, 'tenement' is defined as 'a dwelling-house,' which in its turn is defined as 'any part of a house occupied as a separate dwelling, and separately chargeable to the poor,' structural severance not being necessary.

Incorporeal interests in lands and tenements—as rent charges, annuities, fisheries, free warren, etc.—are recognised for electoral purposes as freeholds, but do not qualify for the *occupation* franchise, for, being merely incorporeal rights, they are not holdings, and cannot be 'occupied' in a material or corporeal sense, nor rated (R., 32).

Leaseholders.—Leaseholders must have a clear interest for a definite term in the lands or tenements leased, in order to be entitled to a county vote. Where the lands or tenements are in a borough, they do not qualify for a county vote if they are of sufficient value to give the right to a borough vote, whether such right is claimed or not (L., 85-93). See **Parliamentary: Alternative: Copyholders.** A leaseholder claiming the freehold vote must have held the property for at least twelve months before July 15.

Lists of voters.—The chief voting-lists made out and published on the church doors, etc., by the overseers are: (1) the Ownership, (2) the Occupation, and (3) the Old Lodgers.

1. The **Ownership** list gives the names, etc., of the freeholders and all others having interest of sufficient value in **realty** to entitle to the Parliamentary franchise. See **Parliamentary: Ownership.** The list is reprinted and published from year to year without interference by the overseer (except to mark in the margin 'dead' or 'objected'), but a change of address (second column)

may be made by the R. B. on Declaration by the owner himself.

2. The **Occupation** list contains the names of (*a*) the actual occupants of dwelling-houses (irrespective of value); of (*b*) the £10 occupants of houses and lands; of (*c*) the service-men.

This (the occupation) list is composed of three classes or 'divisions' of voters as follows:

> *Division I.* gives the names, etc., of all the 'dwellers' and 'ten-pounders,' having full voting rights, local as well as Parliamentary.
>
> *Division II.* contains the names of those entitled to the Parliamentary vote, but not to the local vote—as service-men and non-resident occupiers living beyond the seven miles limit. See **Residence—Non-Residence**.
>
> *Division III.* is the list of those entitled to the local vote—such as 'dwellers,' 'ten-pounders,' and burgesses (already on Division I.); also peers and women who but for personal incapacities would be entitled to be on Division I. See **Marks**.

3. The **Old Lodgers** are those whose names are already on the register as lodgers, and have renewed their claim to be on the new register.

Most of the overseers publish a separate list of ownership electors who in previous years have been placed upon the list of parochial electors only, and many overseers, especially in boroughs, publish a separate list of married women who are parochial electors only; but the Act of 1894, although providing that persons may be included in these separate lists by the R. B., makes no provision for such a list to be published by the overseers. The practice is, however, very convenient. See **Overseers**.

In places where the Burgesses and Freemen are numerous, separate lists of them are published by Town or County Clerks.

Local Government.—The term relates to the several local bodies to whom is confided the duty of administering the affairs of local areas, rural or urban. They are, in order of importance, the **County Council, Town Council, District Council, Parish Council** (see each). See **Administrative Counties.**

Lodgers.—The lodger franchise is uniform in boroughs and counties, and the time qualification is twelve months' occupancy before July 15. The value of the lodgings (unfurnished) must be at least £10 per annum. The occupation must be exclusive, but two joint lodgers (and only two) may each have a vote if the value is sufficient—that is, £20.

Where the lodger's rent is not specified, but included in a lump sum, as for board and lodgings, the R. B. must judge by the evidence as to whether the amount be sufficient, under all the circumstances, to permit of £10 being regarded as the lodger's rent. Neither the rental nor the ratal of the whole house is a certain criterion of the justice of a lodger's claim, but either may help as evidence of the character of that claim (*Jenkins* v. *Grocott*, 1903). The fact, for instance, that the rent of the whole house is stated to be less than that paid by a lodger therein may well excite suspicion, and call for close investigation, but it is not in itself conclusive proof that the claim is false or bad (L., 233). It might even be the case that a man had a good claim to the lodger franchise, on the ground of value, though lodging in, say, a cottage, the occupant of which was permitted to live rent free and paid no rates.

The distinction between a 'lodger' and an 'occupier' was elucidated by the decision of the Court of Appeal in the case of *Kent* v. *Fittall* (1905). The rooms of a large house were let out separately or in sets; the landlord resided in one set, but exercised practically no control over the other dwellers in the house, who had their own keys, went in and out as they pleased, and had the common use of stairs, passages, yard, lavatory, etc. The landlord paid the rates, but in most respects was on an equal footing with the other dwellers. Held—that such dwellers were not mere lodgers, but 'occupants,' entitled to the Local Government vote, as well as the Parliamentary vote (*Kent* v. *Fittall*, 1905). It had been laid down that a man to be a lodger must lodge in the house of another, and lodge in the house with him (R., 31, 97, 99). But from the above case it appears that the real criterion is the degree of control exercised by the landlord, *not* his residence in the house. The degree of landlord-control necessary to the distinction between 'lodger' and 'occupier' is a question for the R. B. to decide.

It is well established that an 'occupier,' in the electoral sense, cannot also be a 'lodger' in the same house (R., 109), but it is doubtful if an owner may not be a 'lodger' (electorally speaking) in his own house. In a case stated for appeal, the owner of a borough house let it to a tenant, and came to reside therein as a lodger, claiming a vote in the county as owner and one in the borough as a lodger. He had, in fact, been already admitted to the lodger franchise. The R. B. gave a decision (Lincoln, 1904) adverse to the claim, holding *inter alia* that as the freehold was in part occupied by the freeholder himself as a lodger, thereby securing to him the right to a borough vote, sec. 24 of the Reform Act, 1833, applied, and he was therefore not entitled to the county vote. The appeal

was, unfortunately, not proceeded with. The R. B. might have taken a different view had it appeared that the lodgings were not of sufficient value to secure the lodger franchise, for merely lodging in his borough freehold would not, presumably, have deprived the claimant of his county vote. But it still remains a question whether such a freeholder would lose his county vote if his lodgings were of sufficient value to entitle him to make a claim for the lodger franchise, notwithstanding his refraining from making such claim.

Under such circumstances as the above, the tenant of the house (if masculine) would not be disqualified as a Parliamentary voter because of the owner lodging there (*White* v. *Pring*, 1849).

A clerk or other employé may be electorally qualified as a lodger in his master's house, unless he is obliged to live there as a condition of his employment, in which case, however, he might be entitled to a vote as a 'service-man.'

A son may be a 'lodger' in his parents' house if he has the separate use of a room and pays a sufficient lump sum for board, lodging, etc., to allow of an estimated value of £10 per annum for the room if unfurnished. The payment may be in money or money's worth (as service), but all this must be in accordance with some definite agreement (R., 100). If there is no specified rent, or no clear understanding that it is included in a lump sum for board and lodging, or no exclusive use of a room, the son, or other lodger, is not entitled to the franchise.

Vacuity in a lodger claim without satisfactory explanation—such as 'estimated rent 5s. weekly,' or 'part salary,' etc.—should not be accepted as sufficient proof or evidence (R., 329).

The rent value for use of a common room (as a sitting or dining room) cannot be added to the rent value of the

exclusive room, so as to bring it up to the £10 level (R., 125).

Immediate successive occupation of different lodgings, but *in the same house,* is allowed (R., 122 ; L., 232). Additional lodgings acquired during the qualifying year do not affect the qualification.

A lodger must make a fresh claim (of which the Declaration is an essential part) each year. A formal written claim duly served on the overseer is necessary for a lodger, old or new, and that necessity is not waved by the overseer publishing the name in the lodger list of his own initiative (*Hersant* v. *Halse,* 1886).

The lodger's claim is only *primâ facie* evidence of his qualification, but it may be challenged, and, whether or no, the R. B. must be satisfied that it is a good one on its merits before allowing it ; but in renewed 'old lodger' claims it is assumed, as a rule, that they are good (R., 326) ; (*Treadgold* v. *Grantham,* 1894).

A mere notice of objection without proper evidence in support should not suffice to defeat a lodger (or other) claim, but when such an objection was adjourned to enable the lodger (on fair notice) to attend as a witness in support of his claim, and he failed to do so without reasonable excuse, the claim was held to have been properly disallowed on its merits (R., 329).

The signature, or mark, of the lodger to his Declaration must be made by *himself,* and be properly attested and dated ; and the R. B. has no power to amend any error or supply any omission therein (R., 268), nor to amend a lodger claim into a dwelling or other claim, or *vice versâ* (R., 308, 316). But inasmuch as 'he may correct any mistake which is proved to have been made in any claim or notice of objection,' he may correct mistakes in the lodger's Declaration (*Ainsley* v. *Nicholson,* 1889).

As a lodger's declaration is *prima facie* evidence of his qualification, his personal attendance cannot be required as a condition of allowing his claim, but the R. B. may give him notice to attend in the character of a witness in support of his claim, and if he fails to comply the R. B. may properly consider that fact, with others, in coming to a decision on the claim as a whole.

The Attestation to a lodger's declaration must bear a specific date (*Smith v. Chandler*, 1888; also *Body v. Halse*, 1892).

An assistant occupying a room in the house of his employer, and not as included in his duty as a servant, may have the lodger vote. (*Bennett v. Evans*, 1892).

Marks—Stars, &c.—A man may have qualifications in more than one parish in the same parliamentary area (and be on the register for each), but he can only vote for parliament in respect to one; as regards the others his name must be marked in such a way as to indicate this restriction, and at the same time show what minor voting rights attach to the duplications of his name.

This is not always an easy or simple matter, involving as it does a variety of combinations and possibilities. Thus a man may have half-a-dozen forty-shilling freeholds in various parishes of one parliamentary division; the same, or another man, may have half-a-dozen shops each sufficient to qualify him for a parliamentary vote as an occupant. But whether he is a multi-owner, or a multi-occupier, or both, he can only select one qualification for his parliamentary vote. His selection, however, does not bind him to use his minor, or local, votes in his parliamentary **Parish**, and he may use some

of his other qualifications for that purpose. All the possible variations thus involved must be indicated by distinctive marks, and it is unfortunate that these differ in different (and sometimes in the same) parliamentary division.

The following simple system of marking duplicated names on the **Lists** can be recommended as having stood the test of long practical experience, and as sufficing for every purpose :—

" P " against a name means that such name is to be transferred to the **Parish** list.

" § " means that the name is to go on Division III. of the **Occupation** list, *with* the mark (" § "), thus securing the **County Council** vote, but not the parochial vote.

" Div. 3 " or simply " 3," means that the name is to be transferred to Division III. *without* any mark, thereby securing both the County Council vote and the parochial vote.

The man of more than one qualification has the right to select the parish he prefers for his parliamentary vote, notifying same to the R. B., or getting the party agent to do so. If no such notice is given, the R. B. selects in accordance with the rules laid down in the Local Government Act, 1894, thus :

In boroughs the entry as " freeman " is to be preferred for the major or parliamentary vote; if the voter is not a freeman the parish of abode has the preference; in other cases the entry which happens to come first is taken.

In counties the ownership entry is preferred, then parish of abode, then the one first coming under revision.

An owner having a county vote and wishing to vote at a polling place for a parish or township other than the one in which his qualifications lies, may have his name "starred" (*) by the R. B., who makes a marginal note to the effect—"to vote as a parliamentary elector at ——." This is for the convenience of the voter and at his option. In some parish lists a star (*) is used both in the ownership lists and the occupation lists, but quite in a different sense. In the former case it means that the owner desires to use his parliamentary vote at a polling place (named in the margin) other than that for the parish in which his property is situated; in the latter case the "star" means that the name is already on the ownership list for the same parish, and that consequently the person is not entitled to another parliamentary vote in that parish as an occupier. It would obviously be better to use the distinctive "§" for the latter purpose, as above suggested.

Market Stands—These give an occupation vote if value (£10 per annum) is sufficient. The rent paid is good evidence of value. The precise space occupied by the stand need not be enclosed or otherwise marked out, but must be known (*Hall v. Metcalf*, 1891).

Marriage.—"*For the purposes of this Act*" (Local Government, 1894, sec. 43), "a woman shall not be disqualified by marriage for being on any local government register of electors, or for being an elector of any local authority, provided that a husband and wife shall not both be qualified in respect of the same property."

Note. — That "the purposes of this Act" relates exclusively to **District** and **Parish** Councils, and Board of Guardian's elections. Therefore, the disqualification of married woman is still retained as regards **County Council** and **Town Council**, on the old authority of *Reg. v. Harrald* (1872). This disqualification does not apply to single women, and they are entitled (if otherwise qualified) to be on Division III. of the occupation list; if they marry they are relegated to the parish list.

A woman elector, married or single, must make an annual claim.

A husband cannot have a vote in respect to property belonging to his wife (*Prentice v. Markham*, 1892).

As an *owner*, a woman, whether married or single, has no vote of any kind, but her husband can vote on her ownership qualification during their married life, unless the estate is settled on the wife to her separate use. This exception is a large, if not a universal one, since the passing of the Married Women's Property Acts. But a widower has still an estate for life (and consequently a freehold vote) in any real property which may not have been disposed of by his deceased wife. See **Women.**

Medical Relief.—See **Poor Relief.**

Mistakes, Corrections.—See **Revising Barrister.**

The R.B. corrects ordinary mistakes, etc., in any list of voters, or in claims and objections. He may not, however, correct the description of the nature of the qualification

(third column), so as to alter its character, without a formal **Declaration.** In ownership lists he may strike out the names of those who have died or ceased ownership, and he may change an incorrect address (second column) on Declaration, but is not empowered to make any other alterations.

A lodger's Declaration is part of his claim, and may be freely corrected with or without declaration, so long as the qualification is left untouched ; but when, by mistake, a wrong street number was given in the description of the qualification (fourth column), it was held that it might be corrected.

As a general rule, all mere inaccuracies or unintentional mistakes in relation to persons, places, and things may be amended if they are not such as to mislead or cause serious inconvenience. A deliberate omission or inaccuracy is not such a 'mistake,' and cannot be amended (*Smith* v. *Chandler*). But the mere disregard of any form or instruction is not of itself sufficient to invalidate any claim, notice, etc., when it is not material or misleading (Registration Act, 1885) ; where it is serious and embarrassing the R. B. might hold it fatal.

Case Decisions. — Where a claim by two persons for the joint occupation franchise was ignorantly made as for 'dwelling-house, joint' (column 3, 'nature of qualification'), it was held that it might be amended into a claim for the occupation franchise as the house was over £20 annual value (*Bagley* v. *Butcher*, 1897).

Where a Declaration was put in for changing in the occupation list (third column, 'nature of qualification'), 'dwelling-house' into 'yard and stables,' it was held that the R. B. could have made the alteration without a fresh claim (*Goodrich* v. *Grimsby*, 1901).

The name 'Herbert Green' in Division I. of the

occupiers' list should have been 'Herbert Ambrose Green.' Held—this was a 'mistake' which the R. B. should have corrected by inserting 'Ambrose' (*Green* v. *Wanklyn*, 1905).

The Town or County Council Clerk may, and ought, to correct any mistakes in the revised lists which have passed the R. B., according to what he (the Clerk) considers the intention of the R. B., before delivering the lists to the sheriff or returning officer (R., 301-324; L., 324-351).

Mortgages.—See **Trustees.**

Municipal Franchise.—This is the right to vote in a borough for Town Councillors and Auditors. It may be concurrent with a Parliamentary vote, or stand alone, as in the case of a woman (single).

The right is not possessed by **Freemen, Service-men, Lodgers,** or married **Women.** The qualification is the occupation of a house or building of any value, or land of £10 yearly value.

Non-Resident List. See **Residence.**

Notices.—Generally full and sufficient notice must be given of all claims, objections, and other purposes involving the right to be on the register of voters, according to the forms, times, and other conditions prescribed in each case. Some notices must be in duplicate. See **Duplications: Dates** (R., 130, 313).

The R. B. must give notice of his appointment each year to Town Clerks and Clerks of County Councils, who issue thereafter printed and published notices of dates and place of holding revision courts in each district.

Notice must be given to the overseers of primary ownership claims, but need not be repeated once the names are on the list.

Lodgers must give notice of claim each year; also women claiming a local vote; also mere parochial voters.

Persons omitted by oversight, etc., from the voting lists as published by the overseers may, on written notice handed to the R. B., claim to have their names inserted; but inasmuch as in such cases time does not permit of ordinary notice of objection to such claims, objection may be taken to them in open court without further notice than that given at the moment to the R. B. in writing (6 & 7 Vic., cap. 18, secs. 37-39).

Case Decisions.—A notice of objection may be good, although it does not follow precisely the statutory form (*Linforth* v. *Butler*, 1898).

The sufficiency of a notice is a question of fact for the R. B. (*Gifford* v. *Chelsea*, 1889; *McConnell*, 1894).

The R. B. may insert 'Division I.' in a notice of objection where it was omitted by mistake (*Hartley* v. *Hulse*, 1888).

Oaths and Affirmations.—The ordinary form of oath to be administered to a Christian or Jewish witness is: 'The evidence you shall give between the parties (or touching the matters in question) shall be the truth, the whole truth, and nothing but the truth. So help you God (Jehovah).'

On the **Voir Dire** the form is: 'You shall true answer make to all such questions as the court shall demand of you. So help you God.'

In the case of a deaf and dumb person (otherwise competent as a witness), the person interpreting is sworn 'well and truly to interpret the questions and demands made by the court, and the answers of the witness made thereto.'

Any person may take the oath in the Scotch manner, with hand uplifted, without kissing the book.

The form for Quakers or Moravians is: 'I, —— ——,

being one of the people called Quakers (or Moravians), do solemnly and sincerely and truly declare and affirm that the evidence I shall give between the parties (or touching the matters in question) shall be the truth, the whole truth, and nothing but the truth.'

For others having a conscientious objection to the oath, the form is: 'I, —— ——, entertaining conscientious objections to taking the oath, do solemnly, sincerely, and truly declare and affirm that the evidence I shall give,' etc., as above.

For persons having no religious beliefs, and unwilling to take the oath in the usual form, it is sufficient to make the affirmation : ' I, —— ——, of —— ——, do solemnly and sincerely affirm that the evidence I shall give,' etc., without the concluding reference to the Deity.

In the case of Orientals and other non-Christian strangers, the usual practice is to swear them, or take their affirmations, in the manner most in accordance with their national or tribal custom, and best calculated to impress upon them the duty of giving honest and truthful evidence.

Any wilfully false or untruthful evidence under affirmation is punishable as perjury.

The validity of an oath or affirmation in any form is not to be questioned by subsequent objection to the real conscientious belief or non-belief of the testifying party.

Oaths of supremacy, abjuration, and all oaths of the test character, are not now required of any witness. See **Religion.**

Objections.—See **Claims.**

Occupation Franchise.—The qualification for this franchise is the occupancy as owner or tenant of rated land or building of at least £10 annual value. Actual

residence is not required for the ownership voter, but the occupation voter must reside within seven miles of the county or borough boundary during at least the last six months of the twelve months ending July 15th. See **Residence: Absence.**

For the three diversions of the occupation list see **Lists.**

Owner and occupant cannot each have a vote for the same premises.

An occupant may, without loss of vote, allow another person to occupy his furnished house for (not more than) four months of the qualifying year, he himself residing during the time beyond the seven miles limit.

Permissive occupation of premises (as by a friend, servant, etc.), does not qualify for the occupation franchise.

The R. B. may put on the voting list the name of the real occupant, though his may not be the name in the rent or rate books. See **Breadwinner.**

Occupation begins when furniture, etc., is put in, or anything done in the nature of taking possession. The question is one of fact for the R. B.

Two joint occupants in a county (more in a borough) may each have a vote, if the annual value permits allowing £10 each.

Case Decision.—A church and its site in a borough do not entitle the incumbent to the occupation franchise, and so disqualify him for the County franchise (*Wolfe v. Surrey* and *Reeves v. Surrey*, 1904). See **Alternative.**

Old Lodgers.—See **Lodgers.**—Those whose names have been on the previous year's list of lodger voters, and who have re-claimed to have them repeated on the

new list, are called "Old Lodgers." Their claims must be sent to overseer not later than July 25th. In other respects they are subject to same conditions as new lodgers.

It has been stated, with some authority (R. 327), that the R. B. has no power to remove a name from the old-lodger list (in the absence of a valid objection) though it may have got there by mistake, and without claim made, or even proper qualification. But this view has only inferential support, and has not been tested by appeal. Its enforcement as settled law would open the way to absurdity and abuse—as in one revision case in which an old-lodger claimant (in consequence of the death of his father during the qualifying year) had become the occupant of the house in which he had previously lived as a qualified lodger. The party agents had agreed between themselves not to object, and all the facts coming to the knowledge of the R. B. he sent for the claimant who frankly admitted on oath the facts as stated. The R. B. deemed it his duty to expunge the name from the list of old-lodger claimants, and it is difficult to suppose that the decision would have been reversed on appeal.

Old Burgess.—See **Burgess.**

Outvoters.—See **Marks: Polling-places: Alternative**

Overseers of the poor. These are parish officials (usually acting through paid assistants), and include all persons who exercise the functions implied by the title, however they may have been appointed or whatever they are called.

As regards revision matters, their duties are practically the same in boroughs and counties, and include

the preparation, publication, etc., of all the lists and documents which have to be submitted to the R. B. The chief lists with which they are concerned are briefly :— The Ownership (with notes in the margin for "dead" or "objected") ; the Occupiers ; Lodgers ; Non-residents ; Parish ; Claims and Objections. See **Lists.**

Overseers must attend the Revision Court with all necessary documents, rate books, etc., and be prepared to supply the R. B. with any information they possess.

Lists, claims, etc., duly sent in, but not duly published or signed by the overseers are not invalidated (*Wells v. Stanforth*, 1885), but defaulting overseers in this as in other matters may be fined up to £5 for wilful neglect of duties. See **Fines.**

Certificates. — The R. B. has annually to examine each parish overseers account of expenses incurred in preparing the voting lists, to decide on the amount to be allowed, and to issue his certificate for payment of same. This is not an easy task for anyone not a trained accountant, who has no facilities for making a careful audit, and who is ignorant of many local circumstances which might justify, or discredit, the demands made upon him. It would be in the interest of the ratepayers, and more satisfactory to the R. B. and the overseers, if such accounts were examined by some competent local authority *before* being submitted to the R. B. for his approval. It is true that the local auditor may ask the overseer for vouchers of his items, and for an account of moneys received by sale of lists, etc., but this is *after* the R. B. has passed the accounts, and therefore rather ill-timed.

Strictly speaking, overseers are only entitled to " out of pocket expenses," but it is difficult to decide what these are. An overseer might have a large parish to

traverse, either on foot or by conveyance; if by the latter he would be entitled to charge for carriage hire, and it would hardly be fair to deny him an equivalent if he choose to walk. In like manner he might himself do office or outdoor work which he would have been justified in handing over to a paid subordinate, and it would not be reasonable to expect him to do such work for nothing.

The expenses which he is entitled to have allowed are mainly the following :—

Printers accounts;
Death returns;
Relief returns;
Travelling and other expenses.

The first three are vouchable. Periodically the overseer receives from the Registrar a list of the persons who have died in the parish since the previous return. For this a statutory charge of two-pence per name may be allowed. The Relieving Officer has to permit the overseer to copy the names of the persons who have received **Poor Relief** during the year (ending July 15); but in most populous parishes it is found convenient to let the Relieving Officer furnish the list, making a small charge for the same. There is no statutory authority for the amount, but one half-penny or one penny is customary, and may reasonably be allowed by the R. B.

In respect to travelling and incidental expenses, the extent and the population of the parish have to be considered. The lists have to be kept free from inaccuracies of names, addresses, qualifications, &c., and this involves comparatively heavy expense in densely populated parishes, or in parishes of great extent. An allowance per name on the lists prepared by the overseer is perhaps the most practical way of recouping the

overseer for such expense. Considering how greatly parishes differ in respect to area and distribution of population it is no wonder that this *per capita* allowance (where it is adopted) should vary widely all over the country, ranging from one half-penny per name to ten pence and a shilling. All the R. B. can do is to form the best estimate he can of what is a fair allowance in each particular case.

As it would be quite absurd for the R. B. to attempt to go thoroughly into the overseers account for each parish each year he usually contents himself with allowing the same amount year after year; and it is only when an overseer applies for an increase that the R. B. has to make at least a show of examining the charges with some minuteness. When this has to be done it is a good plan to require the overseer to furnish a statement like the following which might advantageously be printed, by way of notice, and instruction, on the back of all the certificates :—

> Overseers desiring an increase from the Revising Barrister will please supply the following particulars, and come prepared (as far as possible) with vouchers :—
>
> £ s. d
>
> 1. Printers' Accounts .....
> 2. Death returns (if any)...names at 2d. each
> 3. Relief do. do. ..... do. at.....each
>
> ———
>
> ———
>
> A. Total No. of names on lists made out by overseer
> B. Extent of Parish .....
> C. Population of Parish .....

When an overseer is paid by salary, and a question arises whether it covers his revision expenses, he must produce his appointment if he claims extra payment.

Ownership (of **Realty**).—This is the only kind of ownership which has to do with electoral matters. The old legal theory (of fendal origin) is that there exists no such ownership at all in this Kingdom, all realty being held mediately or immediately from the Crown, and all holders merely tenants of one sort or another—not absolute owners. (Williams on *Real Property*). Nevertheless all **Freeholders**, and most **Leaseholders** and **Copyholders** and **Customary-holders** are regarded as "owners," and entered as such on the electoral lists.

An owner must, in the first instance, give notice to the overseer of claim to have his name put on the register, but need not repeat the claim in subsequent years.

As sec. 24 of the Registration Act (1878) does not apply to owners, only the place of abode can be corrected by **Declaration** in the owvership list—unlike other lists, wherein all the Columns can be corrected by Declaration. (*Plant v. Potts*, 1891).

The ownership vote (whether the property be in town or country) is a county vote only—except under the **Burgage** tenure in Bristol, Exeter, Norwich and Nottingham—and the voter is not subject to any residential conditions. There must, however, be at least six months possession immediately prior to July 15th, see **Dates,** but this is not necessary if the tenure arises from inheritance, testament, promotion to a benefice or public office, in which cases the new man adopts at once the qualifications of his predecessor. See **Succession.**

An owner may be registered in respect to two or more qualifications, but can only have a parliamentary vote for one—the others must have **Marks** put to them to indicate the local vote only.

A forty-shilling owner in a borough is entitled to a county parliamentary vote for the property—providing it is not occupied by himself. If he is an occupant elsewhere he may claim a borough vote as such occupant, and still retain his county vote for his freehold. But if that freehold is of sufficient value or character to qualify its *occupant* for the borough franchise its *owner* cannot have a county vote for it. See **Alternative**.

For the electoral rights of joints owners see **Joint.**

As to an owner who is a lodger in his own freehold see **Lodgers.**

Parish.—An area, commonly of ecclesiastical origin, for which a separate poor rate is, or can be made and an **Overseer** appointed. A rural parish, if of sufficient importance, may have an elected Parish Council. Urban parishes have no Parish Council. Owners, service men, and lodgers are not excluded from this franchise; **Women** also, married or single, are admitted to it; **Freemen** are excluded, as having no electoral connection with any particular parish. Husband and wife cannot each have a vote for the same parish (or other) qualification.

Almost every Parliamentary and County Council elector has his qualification in some parish, and such persons are entitled to vote as electors for that parish. For convenience their names, etc., are copied into a special Parish List.

Though a man can only be registered as a parliamentary voter in one parish of a parliamentary division he

can be registered as a *parish* voter in every parish in which he has a qualification. See **Marks.**

Parish Council.—See **District Council.**

Parliamentary Voters.—The qualifications are now practically the same in Counties and Boroughs and are classible as follows :—

1. The old forty-shilling freeholders, in fee or tail.

2. The forty-shilling holders of lease for life or lives, or of a **Benefice.**

3. Leaseholders (not in actual occupation) for life or lives, of not less value than £5 per annum.

[The foregoing rank as **Freeholders.**]

4. Leaseholders under a sixty years lease of not less value than £5 per annum; and leaseholders of twenty years, value £50.

5. Inhabitants of rated **Dwellings,** any value—residence necessary, except in the case of **Old Burgesses.**

6. Occupants of land or building, £10 value; not necessarily resident.

7. Lodgers; £10 annual value of room or rooms unfurnished.

A person entitled to be registered as a Parliamentary elector must be a man of full age, and not subject to any personal **Incapacities,** and must not at any time, during the twelve months prior to July 15th have received **Poor Relief** for self or family.

Partners.—Any number of **Joint** owners of land or tenemant—as well as £10 occupants in Counties and Boroughs—carrying on a trade or business on the property, may each have a vote if there is sufficient annual value to allow £10 for each. See **Owners: Occupiers.**

Perpetual Curates.—See **Benefice.**

Pews.—See **Benefice**: **Easements.**

Plural Votes.—See **Alternative.**

Police Barracks. See **Dwelling.**

Polling Place—Change.—A freeholder having a county vote may, for his own convenience, request the R. B. to change his place of voting, and the R. B. will mark the register accordingly. See **Marks.**

Poor Rates.—See **Rates.**

Poor Relief and Alms.—No person is entitled to be registered as a voter, or to remain on the register, if he or any member of his family has been in receipt of parish relief or 'other alms' during the qualifying year (ending July 15). In ordinary and everyday cases poor or 'parish relief' is free from doubt or question, but in its less ordinary and more indirect forms it has been made the subject of many legal decisions and statutory provisions—not always consistent or logical. Two important instances are: (*a*) parochial medical relief, and (*b*) exemption from payment of rates on the ground of poverty (R., 176), neither of which has a disqualifying effect. In many other cases the legal effect is the same, or the contrary, either absolutely or with exceptions and qualifications. The same may be said as to the interpretation of 'other alms' (R., 209-232).

It is the duty of the overseer to omit from the lists the names of those who have received relief during the qualifying year; the relieving officer should supply him with a list of such persons, but he may act on his own knowledge. See **Dates.**

Case Decision.—Where a person is objected to on the ground of receipt of public relief (the overseer not having already omitted his name), the onus of proof before the R. B. lies on the objector. The notice and form of such objection must be specific (*Cowen* v. *Hull*, 1897 ; R., 211-277).

Other cases dealing with the question of 'receipt of alms' are : *Daniels* v. *Allard*, 1887 ; *Edwards* v. *Lloyd*, 1887 ; *Dix* v. *Kent*, 1890.

The receipt of poor relief when merely incidental to temporary medical or surgical treatment is not an electoral disqualification (Act, 1885). (*Honeybone* v. *Hambridge*, 1886.)

What is 'poor relief' as distinguishable from 'medical relief' is a question of fact for the R. B. (*Kirckhouse* v. *Blakeway*, 1901).

Possession.—For county freehold qualifications six months' possession prior to July 15 is necessary; in boroughs and borough-counties twelve months; in the case of equitable freeholds there are various rules (L., 42-51). See **Residence.**

Potwallers (vulg. 'potwolloper').—The latter part of this word is derived from 'wallen' (old Dutch), to boil, so that the whole term means 'pot-boiler,' which is an apt enough designation of this ancient franchise. Persons enjoying it were supposed to cook their own food in their own room, or at a fireplace in another room to which they had access. The franchise is one of those reserved, but not preserved, under the Act of 1832; but there are few, if any, such voters now in existence. See **Reserved Rights.**

Qualifying Periods.—See **Dates,** etc.

Rates.—The poor rate is the only rate affecting electoral rights. Its payment by a certain date (July 20) is essential to the occupation franchise, including 'service' and 'dwelling.' It does not matter who is rated so long as the rate is paid by somebody, but the name on the rate-book (as in the rent-book) may be helpful evidence in a question as to who is the real occupant or tenant. See **Breadwinner.** Non-payment of any part of a poor-rate disqualifies (*Ash* v. *Nicholl*, and *Cox* v. *Merriman*, 1904).

If the poor rate is payable by the landlord (as in 'compounded' tenements), and he has omitted to pay it, the occupier suffers the loss of his vote; but the non-payment of the rate by an outgoing tenant does not disqualify the succeeding one (R., 144-147). See **Compounded.**

If the place is capable of being rated, but not actually rated, the occupant may secure his vote by claim and tender to the overseer and proving same to the R. B. (L., 180).

If the overseer has been negligent in enforcing payment of the rate by the ordinary methods provided by the law, the occupant is not to lose his vote, and can appeal to the R. B., who might fine the overseer for the neglect. See **Notices: Fines.**

It is immaterial for the occupation franchise in counties whether or no the necessary value be made up by several holdings under the same or different landlords (R., 27).

Crown and some other property is deemed as rated for electoral purposes. See **Dates.**

Realty.—This is the name given to interests in lands or buildings, as distinct from personalty or personal property, such as money, goods, furniture, shares in industrial or commercial companies, etc.

Register of Electors.—This register is made up of the lists of (1) Parliamentary electors, (2) local government electors, (3) parish electors.

1. The Parliamentary electors are those who, as **Owners, Occupiers, Dwellers, Lodgers, Burgesses, Freemen, Service-men,** are entitled to the Parliamentary vote. See each title.

2. The local government electors are those whose names are on the **Administrative County** list and **Municipal** list. See each.

3. The parish electors are those whose names are on either or both the two previous lists in relation to a parish, which names are, for convenience, collected on a separate list called the parochial list or register (R., 69, 603, 639).

Freemen are not qualified for the parish list, not being registered in relation to any parish. See **Freeman: Parish.**

Religion.—Nowadays no person is disqualified for voting on account of his religious beliefs or disbeliefs. The 15 and 16 Vic., cap. 43, removed the disabilities of Roman Catholics to vote at Parliamentary elections without taking the oath of abjuration, etc., but it leaves them exposed to any penalty for so doing to which they were rendered liable by prior Acts (Geo. I., III.).

Reserved Rights.—These are ancient voting rights reserved, temporarily or permanently, from the operation of various reforming Acts (as 1832, 1884, etc.). They are all subject to registration (R., 9, 160). See **Freeholders: Freemen: Burgesses: Potwallers,** etc.

Residence—Non-resident List.—Six months' residence *immediately* preceding July 15 is essential to the occupation (including dwelling and lodger) franchise, and

the occupancy or possession must have commenced twelve months before that date. Four months are allowed for absence of a necessary character (as duty), or in consequence of letting a house, furnished, providing the occupant has the right and the power (in the sense of personal freedom) to return, and the intention to do so, and has reserved for himself a sleeping-place on the premises (R., 150; L., 133, 135, 166). See **Absence**.

The final six months' residence must be within the borough or county, or within seven miles of the boundary, for the occupation franchise, as distinct from the dwelling franchise.

There are no residential conditions for freeholders (R., 66).

Local government electors are similarly subject to the six months, twelve months, and seven miles conditions, and have the like privileges as to the four months' absence, etc. (L., 245).

Non-resident List.—'A person who is entitled to be registered as a county elector in all respects except that of residence, and is resident beyond seven miles (but within fifteen miles) of the administrative county, is entitled to be on the non-resident list of persons entitled to be elected aldermen or councillors, though not entitled to be on the county register' (Registration Order, 1895). The same rule applies to boroughs (Municipal Corporation Act, 1882, sec. 49); neither is applicable to **Freeholders**.

Revising Barristers.—The appointments, etc., of Revising Barristers are made and regulated in accordance with the Revising Barristers Acts, 1872 to 1874, and the Act so-called of 1856 as amended by 51 and 52 Vic., cap. 10 (1888).

A Revising Barrister may not be a Member of Parlia-

ment, nor the holder of any office of profit under the Crown except that of a borough recorder.

The revision period lasts from September 8 to October 12, both days included.

The first duty of the newly-appointed R. B. is to notify his appointment to the County Council and Town Council Clerks in his circuit, in order that they may assist him in fixing times and places for Revision Courts, and furnish him with abstracts of claims and objections, etc., for his information. Seven days is the minimum for such notice (R., 30, 299; L., 283, 316). The clerks usually keep the R. B. right on those and other matters of detail, and (officially or officiously) exercise a general guidance in all arrangements for fixing and holding sittings. The sittings commonly take place in some public court or building, but where (as in small and remote places) none such are available, the R. B. has to secure a private hall or schoolroom, or room in a public-house, etc., and pay for same if necessary.

Evening sittings (not earlier than 6 p.m.) must be held in boroughs and urban districts of over 10,000 population by last census.

The R. B. may adjourn his court from time to time and place to place.

Broadly, what the R. B. has to do is:

1. To go through the lists laid before him by the overseers, and make and initial all alterations.

2. Hear and determine objections and claims.

3. Sign corrected lists and admitted claims in open court. (He may use name-stamp.)

4. Return lists to Town and County Council Clerks for publication.

5. Issue overseers' certificates of expenses.

There are no stated directions as to the order in which

the work should be taken, but an approved course is to take the contentious and non-contentious business separately, then the objections, then the claims.

In dealing with the list of voters for a Parliamentary borough, or the burgess list for a municipal borough, the following are the statutory directions: The Revising Barrister—

1. 'Shall' correct any proved mistakes in any 'list,' but not so as to change the description of the qualification, unless on a sworn declaration. In ownership cases, however, only a change of abode may be the subject of a declaration (R., 301, 308).

2. R. B. 'may' correct any mistake in any claim or objection, as in 'lists.'

3. R. B. 'shall' of himself, on evidence, with or without objection, expunge names where the qualifications are obviously insufficient.

4, 5, 6, 7. As to dead persons, duplications, personal incapacities, etc.

8. R. B. must give notice of such expungings, where apparently necessary or desirable.

9. 'Shall' retain all other unobjected names, and those against which objections have failed.

10. 'Shall' require objector (unless overseer) to prove his notice and then his case. An overseer's objection, however, puts the onus of proof on the person objected to, or objectee.

11. The objectee must, if required, appear to defend, or suffer from adverse presumption.

12. If a description of a qualification, though correct in itself, is not relevant to the claim made but applicable to one of another nature, the R. B. 'shall' transfer the claim to the proper list. [Meaning that whilst, under above Rule 1, the description of the qualification cannot be

altered, its erroneous misplacement is amendable by transferring the name, etc., to the proper list.]

13. No evidence is permissible of any other qualification than that set forth in the list or claim, and the R. B. shall not make any change except for clearness and accuracy.

14, 15. The R. B. must strike out duplications on certain principles of preference or selection set forth in the Act. See **Appeals**: **Overseers**: **Witnesses**: **Notices**: **Marks.**

Case Decisions.—The R. B. is entitled to make reasonable arrangements for the business conduct of his court (*Reg.* v. *Soden,* 1896-97).

The R. B. has power to examine a claim, notwithstanding there is no notice of objection (*Jenkins* v. *Grocott,* 1903).

The R. B. may, and should, insert the name of a Parliamentary borough [? or division] where by mistake it is accidentally omitted in an otherwise correct claim (*Treadgold* v. *Grantham,* 1894.

Rural District. See **District Council.**

Separate Tenements—Severance.—In counties the annual value of two or more small holdings, even if under different landlords, may be combined for a £10 occupation vote (L., 105); but it is doubtful if the same principle applies to separate buildings in a borough (L., 142).

Separate parts of one house or building may each qualify for the dwelling franchise, actual structural severance not being necessary. Nor is such severance necessary for the £10 occupation qualification; nor for the old burgess qualification (L., 140, 191, 480).

Service Franchise.—Men (but *not* women) obliged by conditions of their employment to occupy resident quarters

in their employers' premises—as schoolmasters, caretakers, bank clerks, etc.—are entitled to the Parliamentary franchise (only) as service-men. Not so if the employer lives also on the premises. The mere retention of a bedroom by the employer for occasional use does not disqualify the service-man.

A service-man cannot be enrolled as a burgess, or enjoy a municipal vote, but may have a parish vote as a 'dweller.'

Case Decisions.—Official residence (optional) and non-liability for rent are not inconsistent with tenancy occupation (as distinct from service occupation) entitling to the dwelling franchise and the right to be on Division I. of the occupation list (*Dover* v. *Prosser*, 1903).

A service-man becoming an ordinary dweller or occupier in the course of the qualifying year does not lose his vote, as he can claim succession (if immediate) from dwelling to dwelling, the service franchise being in its nature a dwelling or occupation franchise (L., 211; *Nicholson* v. *Yeoman*, 1889); (*Kent* v. *Fraser*, 1897). And *vice versâ—i.e.*, from tenancy to service.

Where a dwelling is occupied as part consideration for services, but not as an obligatory condition thereof, the occupant is not a 'service-man,' but an 'occupier,' even though his employer pays the rates, etc. (*Marsh* v. *Estcourt*, 1889).

Shares.—Shares in limited liability and other commercial or industrial companies are not deemed to operate as freeholds conferring the vote (L., 33). There are, however, some special and statutory exceptions (R., 34).

Signatures.—An ownership claim or an occupation claim may be signed by an authorized agent; lodger claims and Declarations, and notices of intention to appeal from decision of R. B., must be signed personally. Notices of

objection must also be personally signed, but a name stamp may be used (L., 235, 303).

Sleeping Cubicles.—See **Dwellings.**

Special Parish List.—See **Lists.**

Splitting Votes. — Notwithstanding the 'Splitting Act' of Will. III., and other enactments, the mere creation of qualifications in order to multiply votes by conveyances of realty is not unlawful if made in good faith, on good consideration, and without secret understanding or fraud—*i.e.*, without an understanding that the conveyance is merely nominal or fictitious.

Starring.—See **Marks.**

Stated Case.—See **Appeals.**

Succession.—There are two kinds of succession in electoral matters—succession in relation to premises, and succession in relation to persons. As to the former, an occupation voter of any kind may change his premises without losing his vote, as often as he pleases, providing the changes are made in *immediate* succession and within the same Parliamentary division in counties. The latter condition does not prevail in boroughs, where any change within the borough limits is allowable. The successive premises must each be qualifying premises in themselves 1885 Act—(R., 28, 122). A lodger loses his vote if he changes to another house, but not if the change is in the same house. He cannot claim for a succession which involves part tenancy and part lodgings (L., 160, 232). The service franchise is (by statute) a tenancy occupation, and therein the succession may be from service to tenancy, or *vice versâ* (R., 122; L., 211). A mistake or omission in the description of the premises held in succession—in the claim

or on the list—can only be corrected by **Declaration** (R., 272, 302-303).

Personal succession arises when the franchise is obtained by a freeholder succeeding to the qualification of his predecessor—as by descent, marriage, promotion to a **Benefice** or office, etc. No time qualification is necessary. Such succession relates to real estates, and incorporeal freeholds only (L., 503). See **Freeholds.**

There appears to be no personal succession in relation to interests which are not of the freehold character above indicated. See **Breadwinner.**

Case Decisions.—In a claim for the successive occupation of two houses the omission (in third column) of the word 'successive,' or some equivalent term, is a mistake which the R. B. has power to amend (*Soutter* v. *Roderick*, 1895). Similarly in *Kitchen* v. *Johnson*, 1898, where the R. B. amended (in the second column) the wrong number (31) of a house into the correct number (33).

Surrender.—See **Assignment.**

Town Council.—As in the case of County Councils (see **Administrative Counties**), owners, service-men, and lodgers have no vote for Town Councillors. The electors are householders or dwellers, the £10 occupants, burgesses old and new, or occupants of offices, shops, warehouses, etc., regardless of value, but conditioned on residence within seven miles of the boundary. See **Residence.** Women (single) are not disqualified by sex from this franchise. See **Women : Municipal Franchise : Time Qualifications.**

Transference of Names, etc.—In case of an error of misplacement the R. B. shall transfer the voter's name to the proper list without necessity for a claim. But one

qualification must not be changed for another, though any qualification may be amended for clearness and correctness (R., 320; L., 347, 492). (*Lord* v. *Fox*, 1891.)

Man claiming to be on register of Grimsby for 'saw-mill'; discovery made that the mill stood on border-line, but mostly in Clee parish, the Grimsby part being of insufficient value to carry a vote; application made to transfer name and claim to Clee list. R. B. thought he had no power to transfer. The claim before the court was for a qualification (which was under value) in Grimsby, and notice of the claim was published by the Grimsby overseer. The notice was published in the wrong parish, and was not available for the other; it ought to have come under the cognizance of the Clee overseers. [No appeal.]

Case Decisions.—The R. B. has no power to transfer a name from Division III. to Division I., even on a correcting declaration; a new claim must be made; he has power, even without declaration, to transfer a name from Division I. to Division III. (*Lord* v. *Fox*, 1891).

Trustees.—A trustee or mortgagee is only entitled to a vote in respect to the trust property if he is in actual possession of it, otherwise the beneficiary under the trust (the cestui que trust) has the right (R., 45; L., 42). See **Bankruptcy.**

Case Decision.—Trustees of a club (being members) are not, as such, entitled to the franchise, although the premises may be vested in them and they be rated as the occupiers (*Sage* v. *Chambers*, 1893).

Urban District Council.—See **District Council.**

Value.—No standard of value is fixed in respect to the dwelling or household franchise, but the edifice must be of some value, so as to bring it within the definition of a

Building. The old burgess qualification (house or other building) is also independent of value.

The lowest annual value for ownership (including **Benefices,** etc.) is 40s.; for **Leasehold, Copyhold,** and **Customary** freeholds £5 to £50; for the new **Burgess, Lodger,** and **Occupation** franchise, £10. See each; also **Parliamentary.**

Where value is an element in the electoral qualification, such value must be *net;* rent, interest on mortgage, and all other charges on the land or tenement (except rates and taxes) must be deducted.

Voir Dire.—The preliminary examination of a person to see if he is competent to give evidence on oath as a witness, in respect to religious belief, etc. See **Oaths.**

Wesleyan Minister.—Owing to the peculiar conditions and the tenure of his appointment, a Wesleyan minister is not deemed to hold such a freehold benefice or office as would entitle him to claim, by way of succession, the occupancy and rating of his predecessor for the earlier part of the qualifying period so as to secure him a vote (*Williams* v. *Blakeway,* 1902). See **Benefice.**

Wife.—See **Women: Marriage.**

Witnesses.—The R. B. may issue a summons to *any* person to attend his court to give evidence or produce documents. Non-appearance, after tender of expenses, entails fine of £5. Ditto as regards assessors, collectors, overseer, etc., having charge of rate-books, or guilty of negligence. See **Fines: Evidence.**

Women.—Sex disqualifies a woman for the Parliamentary franchise of any kind. She may (if single) have a local government vote as inhabitant of a rated dwelling, and

also as a burgess, new or old, in town or county, and may therefore vote at elections for **County Council, Town Council,** or **Parish Council,** or at Board of Guardians elections. But as an *owner* she has no voting rights whatever, local or imperial, and her name cannot be put on the ownership list (*Drax* v. *Ffooks,* 1896).

A woman cannot stand as a candidate for Parliament, County Council, or Town Council.

A married woman can only be on the parish list of voters; and a single woman who is on Division III. for the local government vote, becoming married during the qualifying year, loses her right to be in that division, and is relegated to Parish List. See **Marriage.**

Woman voters, married or single, must claim annually.

A husband has no vote for the estate of his wife settled upon her, or secured to her under the Married Woman's Property Acts. But a widower has a life interest in any **Realty** not otherwise disposed of by his deceased wife, and such property, if value sufficient, would give him a freehold vote.

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